

## PATENTS

*Agreement signed at Washington February 23, 1909*

*Senate advice and consent to ratification April 15, 1909*

*Ratified by the President of the United States April 20, 1909*

*Ratified by Germany June 15, 1909*

*Ratifications exchanged at Washington July 14, 1909*

*Proclaimed by the President of the United States August 1, 1909*

*Entered into force August 1, 1909*

*Revived (after World War I) May 8, 1922 <sup>1</sup>*

*Revived with Federal Republic of Germany (and applicable to Land Berlin), with an understanding, March 31 and April 16, 1953; operative October 21, 1954 <sup>2</sup>*

36 Stat. 2178; Treaty Series 531

The President of the United States of America and His Majesty the German Emperor, King of Prussia, in the name of the German Empire, led by the wish to effect a full and more operative reciprocal protection of patents, designs, working patterns, and models in the two countries, have decided to conclude an agreement for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America, Mr. Robert Bacon, Secretary of State of the United States; and

His Majesty the German Emperor, King of Prussia, His Excellency Count von Bernstorff, His Ambassador Extraordinary and Plenipotentiary to the United States;

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<sup>1</sup> Pursuant to notification given by the United States (1922 For. Rel. (II) 266) in accordance with terms of art. 289 of Treaty of Versailles (*ante*, vol. 2, p. 173), the benefits of which were secured to the United States by the treaty restoring friendly relations dated Aug. 25, 1921 (TS 658, *post*, p. 145).

<sup>2</sup> *Department of State Bulletin*, Dec. 6, 1954, p. 881. The understanding is that "this action will not affect any rights in the Federal Republic of Germany to which United States nationals may otherwise be entitled, and will be without prejudice to the previous status of any provision of the Agreement which may have remained operative or may have again become operative since the outbreak of hostilities between Germany and the United States of America."

Who, after having communicated each to the other their respective full powers, found to be in good and due form, have agreed to the following articles:

#### ARTICLE I

The provisions of the laws applicable, now existing or hereafter to be enacted of either of the Contracting Parties, under which the nonworking of the patent, working pattern (Gebrauchsmuster), design or model, carries the invalidation or some other restriction of the right, shall only be applied to the patents, working patterns (Gebrauchsmuster), designs or models enjoyed by the citizens of the other Contracting Party within the limits of the restrictions imposed by the said Party upon its own citizens. The working of a patent, working pattern (Gebrauchsmuster), design or model in the territory of one of the Contracting Parties shall be considered as equivalent to its working in the territory of the other Party.

#### ARTICLE II

This Agreement shall take effect from the date of its promulgation and remain in force until the expiration of 12 months following the notice of termination given by one of the Contracting Parties.

#### ARTICLE III

The present Agreement shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the respective Plenipotentiaries have executed the present Agreement and affixed their seals thereunto.

Done in duplicate in the English and German languages at Washington this 23rd day of February, 1909.

ROBERT BACON [SEAL]

J. BERNSTORFF [SEAL]